



**PREMIER
OF MANITOBA**

Legislative Building
Winnipeg, Manitoba R3C 0V8
CANADA

February 17, 2022

The Right Honourable Justin P.J. Trudeau
Prime Minister of Canada
House of Commons
Ottawa, Ontario K1A 0A6

Re: Emergencies Act

Dear Prime Minister Trudeau:

Thank you for your letter of February 15, 2022, received late that night. I appreciate your commitment to fulfilling ongoing consultation obligations following the declaration of a national emergency under the never-before-used Emergencies Act – and to continuously monitoring and assessing this evolving situation.

I highlight your public remarks while making the declaration on February 14: that this unprecedented action will be proportionate, and geographically-specific, and targeted.

During the First Ministers' Meeting on February 14, I provided immediate feedback that use of the Emergencies Act should not occur in Manitoba. I confirmed the Manitoba government position publicly, that same day, prior to the declaration being made. And our officials, with the benefit of clear legal advice from our Justice department, have reinforced Manitoba's position through multilateral and bilateral channels over the past two days.

No advance notice that the Emergencies Act was even under consideration actually occurred. Indeed the February 14 First Ministers' call was the only consultation prior to the declaration being made. I confirm the Manitoba government position that this consultation was wholly inadequate in the circumstances.

More fundamentally, we are not satisfied that the necessarily high legal thresholds for the declaration of a "Public Order Emergency" under the Emergencies Act have been met. Based on the advice of the Manitoba RCMP, which of course liaises with the national RCMP, we are unaware of any Manitoba activity involving espionage or sabotage, clandestine foreign-influenced activities, or any serious threats of violence directed towards the violent destruction or overthrow of the Canadian government.

To date, all protest and blockade activities at US border crossings – including the one at Emerson, Manitoba – have been resolved by provincial law enforcement agencies using existing federal and provincial laws. Plainly these actions were within the capacity and authority of the involved provinces. This also means that the clear conditions required for a declaration under this broad and sweeping legislation have not been fulfilled. And that the stated factual basis set out in the formal proclamation of it, made late on the night of February 15, does not apply.

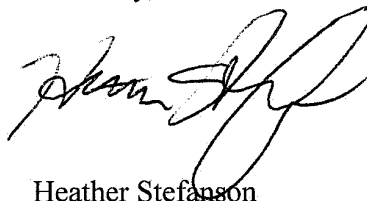
I again call on you to responsibly narrow the scope of this extraordinary and never-before-used legislation, for local rather than national application. To indeed act proportionately and on a geographically specific and targeted basis, in keeping with your assurances to all Canadians. Overreach – legally and from a policy perspective – sets a dangerous precedent. It further courts the risk of unnecessarily inflaming tensions, when a measured and balanced approach would de-escalate them. And it compounds whatever reputational damage Canada has already suffered internationally.

As you know, I am by no means alone among Premiers, in publicly stating that the Emergencies Act is not justified or required within my province. My colleagues from Quebec, Alberta, Saskatchewan, Nova Scotia and New Brunswick have similarly stated the position of their respective provinces. This raises additional cooperative federalism considerations.

I also again call on you to clearly communicate the federal government's plan and timetable for the relaxation of all border measures – for the benefit of all Canadians – and to collaboratively engage with the Biden Administration on these shared goals.

Again, I appreciate your acknowledgement of the obligations concerning ongoing consultation, and for the openness to adaptation so clearly needed in these vitally important and historic circumstances.

Sincerely,

A handwritten signature in black ink, appearing to read 'Heather Stefanson', with a stylized, flowing script.

Heather Stefanson